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19 Attorneys for Capital One Bank (USA), N.A., erroneously sued
20 as Capital One, National Association

21 UNITED STATES DISTRICT COURT
22 EASTERN DISTRICT OF CALIFORNIA

23 WELLS SWEEPING, LLC, a California
24 Limited Liability Company, and Jay Wells,
25 an individual,

26 Plaintiffs,

27 v.

28 CAPITAL ONE, NATIONAL
ASSOCIATION, AARON ASHCRAFT,
ROXY ASHCRAFT, and Does 1 – 20,
inclusive,

Defendants.

Case No. 2:21-cv-00728-MCE-KJN

*Assigned to Senior Judge Morrison C. England,
Jr.; Referred to Magistrate Judge Kendall J.
Newman*

**STIPULATION AND ORDER TO
EXTEND DISCOVERY DEADLINES**

Plaintiff Wells Sweeping, LLC, Plaintiff Jay Wells, and Defendant Capital One Bank (USA), N.A, erroneously sued as Capital One, National Association, (hereinafter “Capital One” and jointly as “the participating parties”) to the above-entitled action hereby enter this Stipulation and [Proposed] Order to Extend Discovery Deadlines. To the extent that any of the discovery

1 deadlines in the participating parties' Joint Status Report do not conform to the usual timeline under
2 the Federal Rules of Civil Procedure, the Initial Pretrial Scheduling Order, or the Local Rules for
3 the United States District Court, Eastern District of California, the parties hereby stipulate, by their
4 respective attorneys of record, that such deadlines may be extended to match the deadlines in the
5 participating parties' Joint Status Report.

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8 Dated: December 23, 2021

/s/

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*Counsel for Plaintiffs Wells Sweeping, LLC and
Jay Wells*

13 Dated: December 23, 2021

/s/

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Counsel for Defendant Capital One

18 **ORDER**


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20 In accordance with the parties' foregoing stipulation, and good cause appearing, the Court
21 orders as follows:

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23 To the extent that the deadlines for discovery outlined in the participating parties' Joint
24 Status Report (ECF No. 25) do not conform to the usual timeline under the Federal Rules of Civil
25 Procedure, the Initial Pretrial Scheduling Order, or local rules, such deadlines are extended to those
26 provided for in the participating parties' said Joint Status Report.

1 The parties are ordered to file a Joint Notice of Trial Readiness not later than thirty (30)
2 days after receiving this Court's ruling on the last filed dispositive motion. The parties are to set
3 forth in their Notice of Trial Readiness, the appropriateness of special procedures, whether this
4 case is related to any other case(s) on file in the Eastern District of California, the prospect for
5 settlement, their estimated trial length, any request for a jury, and their availability for trial. After
6 review of the parties' Joint Notice of Trial Readiness, the Court will issue an order that sets forth
7 new dates for a final pretrial conference and trial.

8 IT IS SO ORDERED.

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10 DATED: December 28, 2021

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13 MORRISON C. ENGLAND, JR.
14 SENIOR UNITED STATES DISTRICT JUDGE
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